

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

GEORGE A. SCHAIER AND METRO HOME
HEALTH CARE NETWORK, INC,

Petitioner,

v.
BOTSFORD HOSPITAL,

CASE NO: 12-MC-51165-DT

Respondent.

ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

This matter is before the court on a Petition to Enforce Compliance with the FAA Subpoena and the Respondent's Motion to Dismiss and/or for Summary Judgment. The case was referred to United States Magistrate Judge Laurie J. Michelson pursuant to 28 U.S.C. §636(b)(1)(B) and Local Rule 72.1. The magistrate judge issued her report on November 13, 2012 recommending that this court grant respondent's Motion to Dismiss and/or for Summary Judgment and Dismiss the Petition to Enforce Compliance with the FAA Subpoena for want of subject matter jurisdiction. No objections have been filed pursuant to 28 U.S.C. §636(b)(1)(C), thus further appeal rights are waived.¹

Having reviewed the file and the Report, the court concludes that the findings and conclusions of the Magistrate Judge are correct and ADOPTS the same for purposes of this Order.

¹ The failure to object to the magistrate judge's report releases the court from its duty to independently review the motion. *Thomas v. Arn*, 474 U.S. 140, 149 (1985).

ORDER

IT IS ORDERED that, for the reasons set forth in the Magistrate Judge's Report and Recommendation, the Respondent's Motion to Dismiss [Dkt #4] is **GRANTED** and the Petition to Enforce Compliance with Arbitration Subpoena [Dkt #1] is **DISMISSED**.

IT IS SO ORDERED.

S/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: January 31, 2013

I hereby certify that a copy of the foregoing document was mailed to counsel of record and/or pro se parties on this date, January 31, 2013, by electronic and/or ordinary mail.

S/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522